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10/711,388

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Blake Benson

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EXAMINER

ZECHER, MICHAEL R

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,388	<b>Applicant(s)</b> BENSON ET AL.	
	<b>Examiner</b> MICHAEL R. ZECHER	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a final Office Action on the merits. The Amendment/Remarks received on June 11, 2008, have been entered. **Claims 1, 2, & 5-12** have been amended. **Claims 13-20** have been added. **Claims 1-20** are pending.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 14** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**As per claim 14**, various "means for" are claimed, but there is no support for their corresponding structure in the specification, as required by § 112, 6th paragraph. The Examiner requests Applicant to either particularly point out the corresponding structures in the specification or remove the "means for" language.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claims 1-7, 9, 11-12, 15-17, & 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burchetta et al. (U.S. 6,954,741), and further in view of Alley et al. (U.S. 2003/0078880).

**As per claim 1**, Burchett et al. teaches a system for facilitating handling of a post-transactional credit dispute relating to a disputed transaction (See column 29, lines 11-17, which discuss a system to effectuate payment where the claimant is a registered cardholder and the claimant's credit/debit/charge/entertainment card is automatically credited), the system comprising:

a workstation capable of receiving commands from a user in response to an inquiry associated with the post-transactional credit dispute (See figure 5, and claim 1, which illustrates and discusses a first entity's computer system used in settling disputes among adverse parties);

a server in communication with said workstation (See column 19, lines 20-63, which discusses a server with built-in networking and communication services);

a storage unit, connected to said workstation, storing a documentation file containing details of a disputed transaction (See figure 1, #9, column 7, lines 7-10, and column 8, lines 55-67, which illustrates and discusses a memory means, how the system may construct pertinent documents for the adverse parties, and how a user/sponsor may enter any pertinent case information);

a first communication channel coupling said workstation and said server for transmitting the documentation file from said workstation to said server (See figure 1, #1, which illustrates a communications linkage, such as internet or telephone); and

a second communication channel coupling said server and said backend processing computer, wherein said second communication channel is configured to transmit the documentation file from said server to said backend processing computer (See figure 1, #1, and column 20, lines 45-67, which illustrates a communications linkage, such as internet or telephone); and

wherein the documentation file is transmitted to the server in accordance with commands entered by the user in response to the inquiry (See figure 3, column 13, lines 20-28, and claim 1, which illustrates and discusses how a user submits, amongst several things, a demand or claim to the automated dispute resolution system).

However, Burchetta et al. does not disclose a backend processing computer in communication with said server for processing the documentation file.

Alley et al. discloses a method and system for managing electronic signing of digital documents (See abstract).

Both Burchetta et al. and Alley et al. disclose methods and systems that incorporate computer systems capable of locating relevant documents. Alley et al. discloses how information may be used in a backend computer system (See paragraph 95, which discusses how information may be used in a backend computer system, such as accounting and billing systems and the like). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include a backend processing computer configured to process and transmit files as taught by Alley et al. in order to extract transactional data related to specific credit dispute claims.

**As per claim 2**, Burchetta et al. teaches a method executed in a computer network for facilitating handling of a post-transactional dispute relating to a disputed transaction, the computer network having a server and a terminal (See figure 7, and column 29, lines 11-17, which illustrates and discusses a computer system to effectuate payment where the claimant is a registered cardholder and the claimant's credit/debit/charge/entertainment card is automatically credited), the method comprising the steps of:

(a) accepting, at said server, user credentials from a user at the terminal, the user being a party to the post-transactional dispute (See column 4, lines 33-49, which discusses requiring a user to enter a password and user identification number);

(b) displaying, at the terminal, an inquiry requesting documentation containing details of the disputed transaction (See column 7, lines 7-10, column 8, lines 55-67, and claim 1 which discusses how the system may construct pertinent documents for the adverse parties, how a user/sponsor may enter any pertinent case information, and how a user/sponsor may request information within the contexts of the dispute resolution system);

(e) confirming receipt of said documentation at said server (See column 13, lines 5-19, which discusses confirmation of case information); and

(g) storing the transmitted documentation and association data for later retrieval (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents).

However, Burchetta et al. does not expressly disclose:

- (c) obtaining documentation associated with the inquiry;
- (d) transmitting the documentation to the server; and
- (f) associating the transmitted documentation with the post-transactional dispute.

Alley et al. discloses locating documents (See paragraph 46, which discusses locating documents in a central file server), transmitting documents (See claim 30, which discusses transmitting documents to a server), and associating documents with a user (See paragraph 46, which discusses how documents are encoded or embedded with user information). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include locating, transmitting, and associating documentation with a user as taught by Alley et al. in order to combine the known features of dispute resolution with locating, transmitting, and associating data to achieve the predictable result of gathering the necessary documentation specific to a user in order to provide a computerized dispute resolution file.

**As per claim 3**, Burchetta et al. teaches wherein the post-transactional dispute is between a merchant and an Acquirer (See column 29, lines 11-17, and claim 1, which discusses various parties to a dispute, including a payment card account system and a second entity).

**As per claim 4**, Burchetta et al. teaches wherein the post-transactional dispute is between an Acquirer and an Issuer (See column 29, lines 11-17, and claim 1, which discusses various parties to a dispute, including a payment card account system and a second entity).

**As per claim 5**, Burchetta et al. teaches

retrieving from the server a dispute handling form which coincides with the user credentials (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents relating to a particular dispute);

displaying the form at the terminal (See column 16, lines 35-39, which discusses displaying details of a case);

receiving data entered on the form at the access terminal (See column 13, lines 5-19, which discusses how the user can edit some or all of the case information).

However, Burchetta et al. does not disclose transmitting the form and the data to the server.

Alley et al. discloses transmitting documents (See claim 30, which discusses transmitting documents to a server). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include transmitting documentation to a server as taught by Alley et al. in order to combine the known features of dispute resolution with transmitting data to achieve the predictable result of storing the necessary documentation specific to a user in order to provide a computerized dispute resolution file.

**Claim 6** recites equivalent limitation to claim 2 and is therefore rejected using the same art and rationale set forth above.

**As per claim 7**, Burchetta et al. teaches



routing the documentation to a processing hub (See column 20, line 45, through column 31, lines 37, which discusses utilizing a facilitator (i.e. additional computer) to process and transmit information in order to resolve a dispute); and

confirming [an] integrity of the documentation (See column 13, lines 5-19, which discusses confirmation of case information).

**As per claim 9**, Burchetta et al. teaches wherein the inquiry is automatically initiated in response to a notification of the post-transactional dispute (See column 29, lines 54-64, and claim 1, which discusses automatic notification, and automatically initiating a dispute resolution upon receiving an engagement request from a first entity).

**As per claim 11**, Burchetta et al. teaches wherein the documentation is stored on the terminal (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents).

**As per claim 12**, Burchetta et al. teaches a computer-readable storage medium storing instructions for causing a computer system to perform a method for facilitating handling of a post-transactional dispute relating to a disputed transaction (See figure 1, which illustrates memory), the method comprising:

(a) displaying, to a user at a computer, an inquiry requesting documentation containing details of the disputed transaction, the user being a party to the post-transaction dispute (See column 7, lines 7-10, and column 8, lines 55-67, which discusses how the system may construct pertinent documents for the adverse parties, and how a user/sponsor may enter any pertinent case information);

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(d) confirming receipt of said documentation at said remote server (See column 13, lines 5-19, which discusses confirmation of case information); and

(f) storing the transmitted documentation and association data for later retrieval (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents).

However Burchetta et al. does not expressly disclose:

(b) obtaining documentation associated with the inquiry;

(c) transmitting the documentation to a server; and

(e) associating the transmitted documentation with the post-transactional dispute.

Alley et al. discloses locating documents (See paragraph 46, which discusses locating documents in a central file server), transmitting documents (See claim 30, which discusses transmitting documents to a server), and associating documents with a user (See paragraph 46, which discusses how documents are encoded or embedded with user information). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include locating, transmitting, and associating documentation with a user as taught by Alley et al. in order to combine the known features of dispute resolution with locating, transmitting, and associating data to achieve the predictable result of gathering the necessary documentation specific to a user in order to provide a computerized dispute resolution file.

**As per claim 15**, Burchetta et al. teaches wherein the documentation file includes at least one of a receipt from the disputed transaction, information about goods or services sold in the disputed transaction, and the amount of the disputed transaction (See column 8, lines 55-67, which discusses how a user/sponsor may enter any pertinent case information; pertinent case information broadly and reasonably interpreted includes information relating to goods or services under dispute).

**As per claim 16**, Burchetta et al. teaches wherein the documentation file is considered in determining a settlement for the post-transactional credit dispute (See figures 2 & 3, and column 8, line 55, through column 9, line 32, which illustrates and discusses how pertinent case information is considered when negotiating a settlement).

**As per claim 17**, Burchetta et al. teaches wherein the user credentials comprise at least one of a user identification and password, biometric information, a security token, and an answer to a question (See column 4, lines 33-49, which discusses requiring a user to enter a password and user identification number).

**As per claim 19**, Burchetta et al. teaches wherein the step of obtaining documentation associated with the inquiry further comprises user browsing of files stored on the terminal (See figure 4 and column 11, line 48, through column 12, line 14, which discusses how a user may browse through the system using a menu bar).

**As per claim 20**, Burchetta et al. teaches wherein the documentation is considered in determining a settlement for the post-transactional dispute (See the abstract, and column 8, lines 55-67, which discusses the goal of the system—

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settlement; and, furthermore, how a user/sponsor may enter any pertinent case information).

6. **Claims 8, 10, 13, & 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Burchetta et al. (U.S. 6,954,741), in view of Alley et al. (U.S. 2003/0078880), and further in view of Bellinger et al. (U.S. 5,895,455).

**As per claim 8**, the Burchetta et al. and Alley et al. combination discloses the elements of the claimed invention, but fails to disclose wherein the step of obtaining documentation associated with the inquiry comprises scanning in document data from paper documents.

Bellinger et al. discloses a method of providing users access to financial document images (See abstract).

Burchetta et al., Alley et al., and Bellinger et al. disclose methods that address the problem of providing user's access to protected information. Bellinger et al. discloses an image scanner capable of capturing the digital image of a document (See column 14, lines 1-34, which discusses image scanners capable of capturing the digital image of a document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burchetta et al. and Alley et al. combination to include scanned financial documents as taught by Bellinger et al. in order to combine the known features of dispute resolution and scanning documents to achieve the predictable result of receiving scanned documents concerning financial transactions at a computer terminal.

**As per claim 10**, the Burchetta et al. and Alley et al. combination discloses the elements of the claimed invention, but fails to disclose wherein the documentation comprises one or more image files.

Bellinger et al. discloses an image scanner capable of capturing the digital image of a document (See column 14, lines 1-34, which discusses image scanners capable of capturing the digital image of a document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burchetta et al. and Alley et al. combination to include scanned financial images as taught by Bellinger et al. in order to combine the known features of dispute resolution and scanning documents to achieve the predictable result of creating image files concerning financial transactions.

**As per claim 13**, the Burchetta et al. and Alley et al. combination discloses the elements of the claimed invention, but fails to disclose a document scanning device connected to said workstation for scanning paper documents into image documentation files to be stored on said storage unit.

Bellinger et al. discloses an image scanner capable of capturing the digital image of a document (See column 14, lines 1-34, which discusses image scanners capable of capturing the digital image of a document). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burchetta et al. and Alley et al. combination to include a scanner attached to a workstation for scanning paper documents into image files as taught by Bellinger et al. in order to combine the known features of dispute resolution and scanning documents

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to achieve the predictable result of creating image files concerning financial transactions.

**As per claim 14**, Burchetta discloses wherein a computer comprises:

means for confirming an integrity of the documentation file (See column 13, lines 5-19, which discusses confirmation of case information); and

means for storing the documentation file and association data for later retrieval (See column 7, lines 11-23, and column 30, lines 1-32, which discusses how the system stores and tabulates data, and how the system can access documents).

Burchetta et al. does not disclose wherein the backend processing computer comprises a means for associating the documentation file with one or more post-transactional credit disputes.

Alley et al. discloses how information may be used in a backend computer system (See paragraph 95, which discusses how information may be used in a backend computer system, such as accounting and billing systems and the like), and associating documents with a user (See paragraph 46, which discusses how documents are encoded or embedded with user information). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burchetta et al. to include a backend processing computer configured to scan, confirm, store, and associate documentation with a user as taught by Alley et al. in order to combine the known features of dispute resolution with scanning, confirming, storing, and associating data to achieve the predictable result of gathering the necessary documentation specific to a user in order to provide a computerized dispute resolution file.

The Burchetta et al. and Alley et al. combination discloses the elements of the claimed invention, but fails to disclose a means for scanning the documentation for viruses.

Bellinger et al. discloses quality detection that identifies suspect documents (See column 17, lines 48-52, which discusses a means for scanning the quality of documents to identify suspect images). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burchetta et al. and Alley et al. combination to include scanning documents for suspect files/viruses as taught by Bellinger et al. in order to combine the known features of dispute resolution and scanning documents for suspect files/viruses to achieve the predictable result of providing a level of security for scanned file images in a computer-implemented dispute resolution system.

7. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Burchetta et al. (U.S. 6,954,741), in view of Alley et al. (U.S. 2003/0078880), and further in view of Horn et al. (U.S. 2001/0037204).

**As per claim 18**, Burchetta et al. teaches:

authenticating the user credentials (See column 4, lines 33-49, which discusses authenticating a user based on a password and user identification number);

However, the Burchetta et al. and Alley et al. combination discloses the elements of the claimed invention, but fails to disclose:

determining a level of authorization for the user; and

permitting the user to perform certain actions based on the user's level of authorization.

Horn et al. discloses a system and method for on-line resolution of disputes (See abstract).

Burchetta et al., Alley et al., and Bellinger et al. disclose methods that address the problem of providing user's access to protected information.

Horn et al. discloses various authorizations levels based on an entity's power structure (See paragraph 85, which discusses determining the financial authorization level of an initiating power in regards to settlement). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Burchetta et al. and Alley et al. combination to include determining a user's level of authorization and permitting actions accordingly as taught by Horn et al. in order to prevent a user from acting above and beyond his/her authority (See paragraph 85).

### ***Response to Arguments***

8. Applicant's arguments, see pg. 10 of the Remarks, filed June 11, 2008, with respect to the objection of **claim 2** have been fully considered and are persuasive. The objection of **claim 2** has been withdrawn.

9. Applicant's arguments with respect to **claims 1-7, 9, & 11-12** have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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Burchetta et al. (U.S. 6,330,551) discloses a computerized dispute resolution system and method.

Rosen (U.S. 5,878,139) discloses a method for electronic merchandise dispute resolution.

Rosen (U.S. 6,336,095) discloses a method for electronic merchandise dispute resolution.

Park et al. (U.S. 6,039,248) discloses a method for preparing safe electronic notarized documents in electronic commerce.

Gonen-Friedman et al. (U.S. 2001/0047332) discloses methods and systems for online self-service receivables management and automated online receivables dispute resolution.

Watkins et al. (U.S. 2001/0044756) discloses a payroll deduction system and method including provision for financing and dispute resolution.

Lloyd (U.S. 6,801,900) discloses a system and method for online dispute resolution.

Noblett, Jr. et al. (U.S. 5,432,326) discloses systems and methods for operating data card terminals for transaction chargeback protection.

Engelmann et al. (U.S. 2004/0049403) discloses methods and systems for dispute management.

Richey et al. (U.S. 7,356,516) discloses a method and system for facilitating electronic dispute resolution.

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11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. ZECHER whose telephone number is (571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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